

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION
AT COLUMBUS**

ALI MOHAMED,)	CIVIL ACTION NO. _____
)	
PLAINTIFF)	
)	
v.)	
)	
)	
STRATOSPHERE QUALITY, LLC,)	
)	
DEFENDANT.)	

NOTICE OF REMOVAL

(Franklin County Court of Common Pleas, Case No. 20CV-09-6077)

Defendant, Stratosphere Quality, LLC (“Defendant” or “Stratosphere Quality”), hereby removes the above-captioned matter from the Franklin County Court of Common Pleas, in which it is currently pending, to the United States District Court for the Southern District of Ohio, Eastern Division. In support of this Notice of Removal, Defendant states as follows:

1. On or about December 13, 2019, Plaintiff filed a dual Charge of Discrimination against Defendant with the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission.
2. The Charge alleges that Defendant discriminated against Plaintiff based on race, color, religion, and gender.
3. The Ohio Civil Rights Commission took the lead in investigating the Charge and issued a “no probable cause” finding on June 4, 2020.¹

¹ Plaintiff sought reconsideration of this decision, and the Commission held a hearing on October 22, 2020. The Commission upheld its initial “no probable cause” finding.

4. On or about September 16, 2020, Plaintiff filed a civil action against Defendant in the Franklin County Court of Common Pleas.

5. The Complaint included some of the same allegations made before the Ohio Civil Rights Commission. Plaintiff attached the Charge to the Complaint.

6. The Complaint did not specify whether Plaintiff intended to assert discrimination claims under the Ohio Civil Rights Act, Title VII of the Civil Rights Act of 1964, or both. Thus, it could not be ascertained whether the matter was removable.

7. On October 23, 2020, Defendant filed a Motion to Dismiss for Failure to State a Claim in the Franklin County Court of Common Pleas.

8. On November 4, 2020, Plaintiff submitted his Response to Defendant's Motion to Dismiss. In his Response, Plaintiff states that "Title VII of the Civil Rights Act of 1964 is a federal law that protects employees against discrimination based on race, color, national origin, sex, and religion." He further alleges that "I have been violated my constitutional rights in title VII of the Civil Right Act."

9. Plaintiff's Response makes it clear that he intends to pursue a claim for violations of federal law. Because his claim arises under the laws of the United States, this Court has federal-question jurisdiction pursuant to 28 U.S.C. § 1331.²

10. This matter became removable on November 4, 2020, when Plaintiff filed his Response citing to Title VII. *See* 28 U.S.C. §§ 1441(c) and 1446(b)(3). With this Notice, Defendant is timely removing the action to this Court.

11. Defendant has attached hereto as "Exhibit A," copies of all process, pleadings, and orders served upon it as of the date of this Notice of Removal.

² To the extent Plaintiff seeks to pursue a claim under the Ohio Civil Rights Act as well, the Court would have supplemental jurisdiction over that claim pursuant to 28 U.S.C. § 1367.

12. A Notice of Filing Notice of Removal is being contemporaneously filed in the Franklin County Court of Common Pleas, with copies served on Plaintiff, pursuant to 28 U.S.C § 1446(a) and (d). A copy of these documents is attached hereto as “Exhibit B.”

WHEREFORE, Defendant respectfully requests that this Court accept this Notice of Removal, assume jurisdiction of this action, and grant Defendant all relief to which they may be entitled and that is proper.

Respectfully submitted,

V. Brandon McGrath

V. Brandon McGrath (0072075)

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Counsel for Defendant Stratosphere Quality, LLC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Removal was served on the following by U.S. Mail on November 11, 2020:

Mohamed Ali
237 Whitethorne Avenue
Columbus, Ohio 43223

V. Brandon McGrath

Counsel for Defendant Stratosphere Quality, LLC